

Remarks

Election/Restrictions

In the Office Action, the Examiner has noted that claims 1-20 are subject to restriction. In particular, the Examiner has given a two-way restriction in accordance with 35 U.S.C. 121 as follows:

<i>Inventions</i>	<i>Class/Sub-class</i>
Group I. Claims 1-15, drawn to a composition intended for oral administration of active ingredients.	424/502
Group II. Claims 16-20, drawn to a process for the preparation of a composition.	424/489

As indicated above, through this response, Applicants provisionally elect invention Group I *with traverse*, namely, claims 1-15, drawn to a composition intended for oral administration of active ingredients. Examiner's imposition of two-way restriction is respectfully traversed below.

Applicants respectfully submit that this two-way restriction as imposed by the Examiner is improper based on the following grounds. In particular, Applicants respectfully submit that the search of all of the claims 1-20 should not impose any undue burden on the Examiner. Applicants' assertion is based on the fact that invention Group I, claims 1-15, is directed to a composition intended for oral administration of active ingredients. Whereas Group II is directed to a preparation of very same composition of Group I. Even more importantly, both invention groups are in the same class of 424 for search purposes and differ only by a subclass; Group I is in subclass 502, whereas Group II is in subclass 489. Thus it is submitted that when the Examiner is searching for invention group I, that itself will facilitate the search of invention Group II. Therefore, it should not impose any undue burden on the Examiner to search both inventions together. Accordingly, Applicants respectfully submit that both inventions be rejoined and examined together.

In addition, under the current Office practice, if the composition claims are found to be allowable then the Office must rejoin related process of making such composition claims. As noted in MPEP 821.04:

"However, if *applicant elects claims directed to the product*, and a product claim is subsequently found allowable, withdrawn *process claims* which depend from or otherwise include all the limitations of the allowable product claim *will be rejoined*.

Where the application as originally filed discloses the product and the *process for making and/or using the product*, and only claims directed to the product are presented for examination, when a product claim is found allowable, applicant may present claims directed to the *process of making and/or using the patentable product by way of amendment pursuant to 37 CFR 1.121*.

(emphasis added)

As already discussed above, invention Group I, claims 1-15, recites a composition of the invention. Whereas invention Group II, claims 16-20, recites a method for the preparation of a composition having the same scope as that of Group I. Therefore, it is respectfully submitted that both invention groups be rejoined and examined together.

In the event the Examiner wishes to contact the undersigned regarding any matter, please call (collect if necessary) the telephone number listed below.

Applicants believe there are no fees due for this response. However, if the Examiner deems that fees are due, please charge these fees to Deposit Account No. **18-1982** for sanofi-aventis U.S. LLC, Bridgewater, NJ. Please credit any overpayment to Deposit Account No. **18-1982**.

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Respectfully submitted,

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